



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue  
Governor

Dee Freeman  
Secretary

June 7, 2012

Mr. Tim Sweeney  
Managing Member  
130 of Chatham, LLC  
130 Dogwood Lane  
Pittsboro, North Carolina 28405

Dear Mr. Sweeney:

Thank you for registering the natural area identified by the North Carolina Natural Heritage Program as the Box Creek Wilderness. Your copy of the signed agreement is enclosed.

The Nature Preserves Act of 1985 establishes registry as a tool to recognize the ecological significance of natural areas such as this. Box Creek Wilderness contains outstanding natural and scientific values justifying its recognition. It is also an important step in establishing a wildlife corridor that may someday benefit the conservation lands in the South Mountains region.

The Department of Environment and Natural Resources greatly appreciates your commitment and leadership in conservation of North Carolina's natural resources and looks forward to working with you on future projects.

Sincerely,

Dee A. Freeman

Enclosure  
SMP/smp

## NORTH CAROLINA REGISTRY OF NATURAL HERITAGE AREAS

### Letter of Intent and Agreement to Register and Protect Natural Areas

WHEREAS, a portion of the natural area known as Box Creek Wilderness, consisting of 3,016 acres in McDowell and Rutherford Counties, is owned by 130 Of Chatham, LLC. [Exhibit A]

WHEREAS, this area possesses the following natural values, justifying its recognition by the State as an outstanding part of the natural heritage of North Carolina:

The **Box Creek Wilderness** Significant Natural Heritage Area (SNHA) contains a remarkable diversity of natural communities, including a number of rare types. Of particular note are the rock outcrop communities, which include extensive and excellent examples of Low Elevation Rocky Summit (Basic Subtype), Low Elevation Rocky Summit (Acidic Subtype), Low Elevation Basic Glade, and possibly, the extremely rare Ultramafic Outcrop Barren, as well as Montane Cliffs. Most of the site is forested, much of it with mature forests in good condition. Patches of old-growth forest have been documented in multiple places in the tract. Chestnut Oak Forest, Montane Oak--Hickory Forest, Pine-Oak/Heath, Acidic Cove Forest, Canada Hemlock Forest, and Rich Cove Forest, typical communities of the Blue Ridge and of the South Mountains, make up portions of the area, but much is the uncommon Basic Subtype of Montane Oak--Hickory Forest. Several rarer forest communities are also present, such as good examples of Montane Alluvial Forest along the larger streams, and Low Mountain Pine Forest on some of the lower ridges and dry slopes. The buffer areas contribute to the ecological function of the primary area, and contain recently logged areas that are either naturally regenerating or planted pines.

The site is known to support a large collection of rare plant and animal species. Some of the rare plants include: lobed spleenwort (*Asplenium pinnatifidum*), divided-leaf ragwort (*Packera millefolium*), Sullivan's maned-moss (*Macrocoma sullivantii*), Alabama grape-fern (*Sceptridium jenmanii*), lance-leaf moonwort (*Botrychium lanceolatum*), American barberry (*Berberis canadensis*), Appalachian golden-banner (*Thermopsis mollis*), Piedmont indigo-bush (*Amorpha schwerinii*), and a number of mosses and liverworts. While the rock outcrop communities support the largest number of rare species, the diversity of affinities and habitat is worth noting. Rare plants include species of acidic as well as basic soils, of rock outcrops, of the lower Piedmont, and some species normally of higher elevations in the Blue Ridge. Also of note here is hill cane (*Arundinaria appalachiana*), a newly described species that is unusually abundant here, and a number of watch list species.

Several rare aquatic animals are present in Box Creek, including the globally rare Broad River stream crayfish (*Cambarus lenati*), Carolina foothills crayfish (*Cambarus johnei*), and Piedmont shiner (*Notropis cf. chlorocephalus*). The globally rare South Mountains gray-cheeked salamander (*Plethodon meridianus*) and Southern Appalachian eastern woodrat (*Neotoma floridana haematoreia*) have been found here recently, and ongoing survey is likely to reveal additional rare animals.

The Box Creek Wilderness SNHA is an important part of the South Mountains landscape. It is a large expanse of unfragmented natural land that is capable of supporting populations of many forest interior animal species and of providing habitat for some species that need large areas of habitat. In addition, it lies between the extensive conservation lands in the eastern South Mountains (South Mountains Game Land and South Mountains State Park) and in Hickorynut Gorge (Chimney Rock State Park and The Nature Conservancy preserves). Box Creek Wilderness is one of a chain of natural areas that lies in the intervening 20 miles, and contributes to an important biological connection between these two major conservation nodes.

## AGREEMENT

The Registry Agreement is a mutual understanding between 130 Of Chatham, LLC and the North Carolina Department of Environment and Natural Resources to protect outstanding examples of the natural diversity occurring in North Carolina and preserve unique and unusual natural features. In addition to an approach by landowners and managers that follows these principles and strives to maintain natural character and integrity, the North Carolina Natural Heritage Program submits the following site-specific management recommendations:

The registered area should be managed for protection of natural communities, rare species, wildlife, and natural conditions. Forests should generally be allowed to mature to old-growth, and to develop uneven-aged structure through natural gap formation. Prescribed burning is encouraged in the drier parts of the site, including the oak forests and glades, but particularly in the pine forests. Fire was an important natural process in the South Mountains, and is now largely missing because of modern fire suppression. Where long absence of fire has caused open natural communities to become dense, removal of trees may be appropriate after careful study. The registered area should be monitored for the presence of invasive non-native species. If possible, invasive species should be removed or controlled. Young forests and planted pines in the buffer area function mainly for buffer, but could ideally be restored to their appropriate natural communities, following the recommendations above.

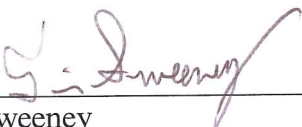
THEREFORE, it is agreed between the parties whose names are affixed below that the Box Creek Wilderness Natural Area be entered on the official North Carolina Registry of Natural Heritage Areas on the \_\_\_\_ day of \_\_\_\_\_, 2012.

It is understood that this agreement involves no change of title or loss of ownership rights, but simply expresses the sincere intentions of the landowner to refrain from making or permitting changes that alter the natural values for which this area was registered within the boundaries outlined on the attached maps and/or survey descriptions.

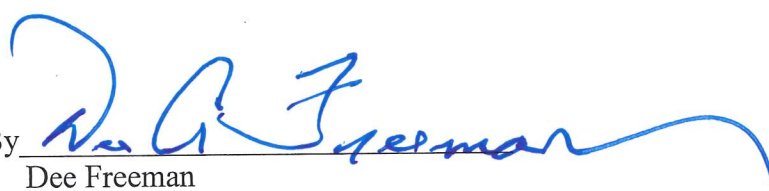
It is further understood that neither the Department nor 130 Of Chatham, LLC offers any assurances as to the conditions on the tracts involved or for the safety of persons thereon. Neither party shall incur any liability for any injury to persons or property on the land as a result of this agreement.

These areas are hereby registered for an indefinite period until terminated in writing by either party to the other upon thirty (30) days notice.

By

  
Tim Sweeney  
Managing Member  
130 of Chatham, LLC  
130 Dogwood Lane  
Pittsboro, North Carolina 28405

By

  
Dee Freeman  
Secretary  
NC Department of Environment & Natural Resources  
1601 Mail Service Center  
Raleigh, North Carolina 27699-1601

Date:

June 1, 2012

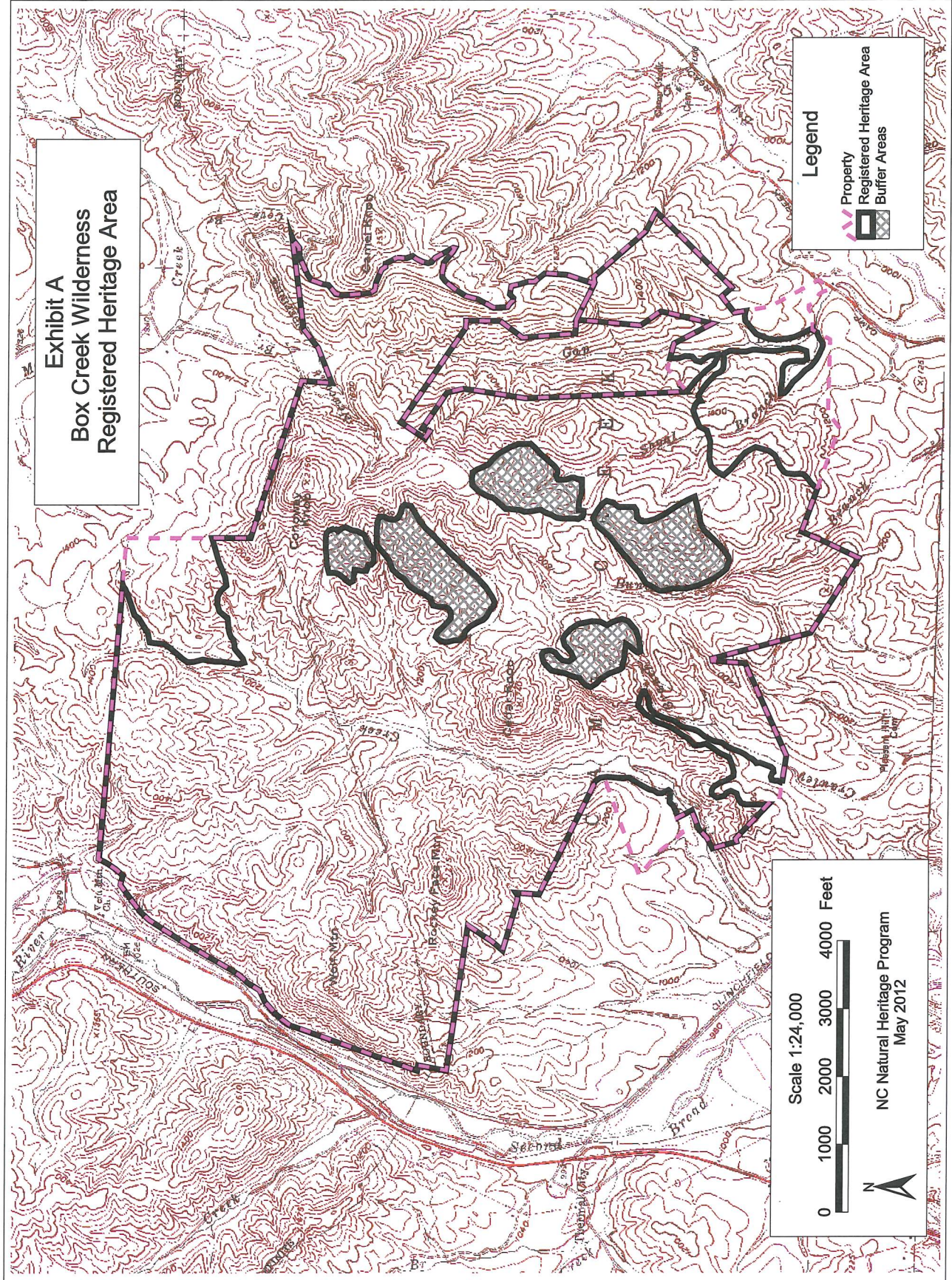
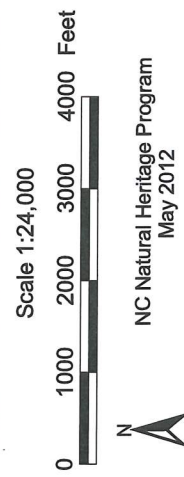
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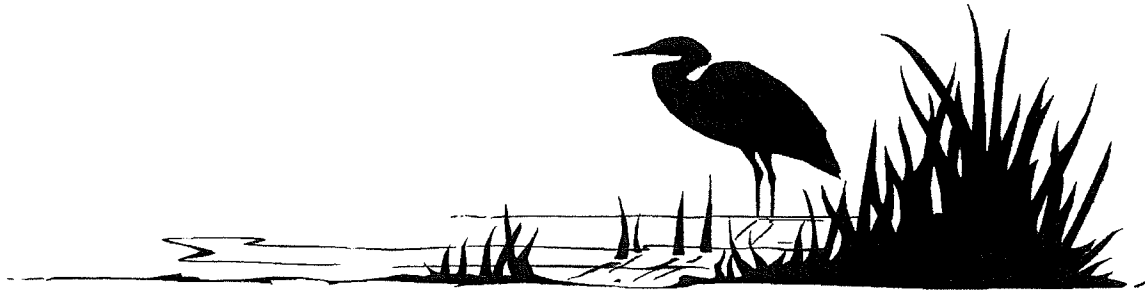


**Exhibit A**  
**Box Creek Wilderness**  
**Registered Heritage Area**

- Legend**
- Property
  - Registered Heritage Area
  - Buffer Areas







THE NATURAL HERITAGE ADVISORY COMMITTEE

May 18, 2012

Dee Freeman, Secretary  
Department of Environment and Natural Resources  
1601 Mail Service Center  
Raleigh, North Carolina 27699-1601

Dear Secretary Freeman:

I am pleased to endorse the offer made by 130 of Chatham, LLC to register the Box Creek Wilderness natural area. This site has been evaluated by the Natural Heritage Program and found to be ecologically significant. The Box Creek Wilderness natural area contains exemplary and rare natural communities, rare plants and animals, and is a large expanse of unfragmented natural land that is capable of supporting populations of many forest interior animal species and of providing habitat for some species that need large areas of habitat.

It is the belief of the Natural Heritage Advisory Committee that the Box Creek Wilderness natural area is well-qualified for Registry. The Natural Heritage Advisory Committee recommends that this natural area be entered into the North Carolina Registry of Natural Heritage Areas.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alan Weakley', with a large, stylized flourish at the end.

Alan Weakley, Chair  
Natural Heritage Advisory Committee